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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,000	12/05/2003	John M. Guynn	15257.3.2	9102
7590	06/01/2004		EXAMINER	
John M. Guynn			VALENTI, ANDREA M	
WORKMAN NYDEGGER				
1000 Eagle Gate Tower			ART UNIT	PAPER NUMBER
60 East South Temple			3643	
Salt Lake City, UT 84111				
			DATE MAILED:	06/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/729,000	GUYNN, JOHN M.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Andrea M. Valenti	3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 December 2003.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-26 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_ .
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 10-16, and 18-26 are rejected under 35 U.S.C. 102(b) as being anticipated by United Kingdom Patent GB 2194131A to McHutchinson.

Regarding Claims 1, 20-23, and 25-26, McHutchinson teaches a restraint device and method for use in holding or restraining a child in a desired position handle (#18) means for gripping the restraint device; and attachment means (Fig. 3 #16) for attaching the handle means is positioned at or near a central balancing plane of a child's body.

Regarding Claim 2, McHutchinson teaches the handle means comprising at least one loop, the loop comprising at least one of fabric, plastic, elastomer, metal, ceramic, or composite material (Page 1 line 120).

Regarding Claim 3, McHutchinson teaches the attachment means (#12) comprising a single sheet or strap of flexible material so as to wrap at least partially around a child's body.

Regarding Claim 4, McHutchinson teaches the attachment means comprising a plurality of straps (#12 and #14) configured so as to wrap at least partially around a child's torso or limbs.

Regarding Claims 5 and 10-16, McHutchinson teaches the attachment means comprising one or more fastening (#22 and 20) devices configured so as to releasably attach the attachment means to a child's body.

Regarding Claims 6 and 18, McHutchinson teaches the fastening devices has one or more of a hook and loop (#22 and 20) system, buckle, tie, snap, latch, or ratchet

Regarding Claim 7, McHutchinson teaches the attachment means configured so as to position the handle means at or near at least one of a child's spine or sternum (Fig. 1).

Regarding Claim 8, McHutchinson teaches the attachment means configured so as to position the handle means at or near a center of at least one of a child's chest, upper back, lower back, or stomach (Fig. 1).

Regarding Claims 19 and 24, McHutchinson teaches a second handle (Fig. 2 #18).

Claims 1-8, 10-16, and 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,634,439 to O'Brien.

Regarding Claim 1, O'Brien teaches a restraint device for use in holding or restraining a child in a desired position handle (#12) means for gripping the restraint device; and attachment means (#10) for attaching the handle means is positioned at or near a central balancing plane of a child's body.

Regarding Claim 2, O'Brien teaches the handle means comprising at least one loop, the loop comprising at least one of fabric, plastic, elastomer, metal, ceramic, or composite material (#12).

Regarding Claim 3, O'Brien teaches the attachment means comprising a single sheet or strap of flexible material so as to wrap at least partially around a child's body (Fig. 2 #14).

Regarding Claim 4, O'Brien teaches the attachment means comprising a plurality of straps configured so as to wrap at least partially around a child's torso or limbs (Fig. 3 #14).

Regarding Claims 5 and 10-16, O'Brien teaches the attachment means comprising one or more fastening devices configured so as to releasably attach the attachment means to a child's body (#11).

Regarding Claims 6 and 18, O'Brien teaches the fastening devices has one or more of a hook and loop system, buckle, tie, snap, latch, or ratchet (#11).

Regarding Claim 7, O'Brien teaches the attachment means configured so as to position the handle means at or near at least one of a child's spine or sternum (Fig. 3).

Regarding Claim 8, O'Brien teaches the attachment means configured so as to position the handle means at or near a center of at least one of a child's chest, upper back, lower back, or stomach (Fig. 3).

Regarding Claim 19, O'Brien teaches a second handle (Fig. 3 #12).

Claims 1-18 and 20-26 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,775,967 to Lacoursiere et al.

Regarding Claims 1and 20-26, Lacoursiere teaches a restraint device and method for use in holding or restraining a child in a desired position handle (#28) means for gripping the restraint device; and attachment (#15, 16, 17) means for attaching the handle means is positioned at or near a central balancing plane of a child's body.

Regarding Claim 2, Lacoursiere teaches the handle means comprising at least one loop, the loop comprising at least one of fabric, plastic, elastomer, metal, ceramic, or composite material (#28).

Regarding Claim 3, Lacoursiere teaches an attachment means comprising a single sheet or strap (Fig. 3 #13).

Regarding Claim 4, Lacoursiere teaches the attachment means comprising a plurality of straps configured so as to wrap at least partially around a child's torso or limbs (#15, 16, 17).

Regarding Claims 5 and 10-18, Lacoursiere teaches the attachment means comprising one or more fastening devices configured so as to releasably attach the attachment means to a child's body (#25).

Regarding Claim 6, Lacoursiere teaches the fastening devices has one or more of a hook and loop system, buckle, tie, snap, latch, or ratchet (#25).

Regarding Claim 7, Lacoursiere teaches the attachment means configured so as to position the handle means at or *near* at least one of a child's spine or sternum (#28).

Regarding Claim 8, Lacoursiere teaches the attachment means configured so as to position the handle means at or *near* a center of at least one of a child's chest, upper back, lower back, or stomach (#28).

Regarding Claim 9, Lacoursiere teaches a head restraining system configured to restrain a child's head in a desired position relative to the child's body when the restraint is in use (#11 and 30).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,775,967 to Lacoursiere.

Regarding Claim 19, Lacoursiere is silent on a second handle. However, it would have been obvious to one of ordinary skill in the art to modify the teachings at the time of the invention since the modification is merely a duplication of a part for a multiple effect for ergonomic ease of secure control and does not present a patentably distinct limitation.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,435,272; U.S. Patent No. 6,338,699; U.S. Patent No. 6,125,792; U.S. Patent No. 5,498,219; U.S. Patent No. 5,476,070; U.S. Patent No. 5,388,551; U.S. Patent No. 4,981,110; U.S. Patent No. 5,074,795; U.S. Patent No. 4,666,017; U.S. Patent No. 4,308,629; U.S. Patent No. 2,275,983; U.S. Patent No. 1,193,374; U.S. Patent No. 602,861; U.S. Patent No. 1,749,999; U.S. Patent No. 5,619,955; U.S. Patent No. 5,325,818; U.S. Patent No. 5,069,168; U.S. Patent No. 5,152,013; U.S. Patent No. 5,766,114; U.S. Patent No. 2,956,541; U.S. Patent No. 4,396,013; U.S. Patent No. 5,027,833.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 703-305-3010. The examiner can normally be reached on 7:30am-5pm M-F; Alternating Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703-308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Andrea M. Valenti*  
Andrea M. Valenti  
Examiner  
Art Unit 3643

24 May 2004

*Peter M. Poon*  
Peter M. Poon  
Supervisory Patent Examiner  
Technology Center 3600

*5/25/04*